

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In Re:

Railyard Company, LLC

Debtor.

Bankruptcy No. 15-12386-j11

Railyard Company, LLC

Appellant,

U.S. District Court Appeal No. (_____)

v.

Recreational Equipment, Inc.,
Thorofare Asset Based Lending Fund III,
Office of the U.S. Trustee

Appellees.

CLERK'S CERTIFICATE OF SERVICE OF NOTICE OF APPEAL AND
ELECTION TO HAVE APPEAL HEARD BY DISTRICT COURT

Pursuant to Fed. R. Bankr. P. 8003(c)(1) and in accordance with Fed. R. Bankr. P. 9036, NM LBR 9036-1 and Fed. R. Civ. P. 5(b)(3), this certifies that service of a copy of the Notice of Appeal and Election to have Appeal Heard by District Court filed in this case on April 12, 2016, was made on April 13, 2016, via the notice transmission facilities of the case management and electronic filing system of the bankruptcy court on:

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CLERK OF COURT

By /s/ Linda M. Butler

Linda M. Butler, Deputy Clerk

United States Bankruptcy Court,

District of New Mexico

500 Gold Avenue SW, 10th Floor

P.O. Box 546

Albuquerque, NM 87103-0546

505-348-2500

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: Railyard Company, LLC,
A New Mexico Limited Liability Company
EIN: 20-3437791,

Debtor.

No. 15-12386-j11

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of the appellant(s): Railyard Company, LLC
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) _____

For appeals in a bankruptcy case and not
in an adversary proceeding.

☒ Debtor

☐ Creditor

☐ Trustee

☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Granting Motion to Appoint Trustee and Directing United States Trustee to Appoint Trustee, Docket No. 175
2. State the date on which the judgment, order, or decree was entered: March 30, 2016

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Railyard Company, LLC Attorney: William F. Davis, Esq.
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2. Party: Recreational Equipment, Inc. Attorney: Charles R. Hughson, Esq.
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3. Party: Thorofare Asset Based Lending Fund III Attorney: Benjamin E. Thomas, Esq.
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4. Party: Office of the U.S. Trustee Attorney: Alice Nystel Page, Esq.
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Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Respectfully submitted,

WILLIAM F. DAVIS & ASSOC., P.C.

/s/ electronically filed 4/12/2016

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Attorneys for Debtor

I hereby certify that a true and correct copy of the foregoing document was uploaded via the Court's CM/ECF system this 12th day of April, 2016, whereupon service was automatically effected upon all parties registered therewith to receive service in this matter.

/s/ 4/12/2016

William F. Davis, Esq.

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re: RAILYARD COMPANY, LLC
a New Mexico Limited Liability Company


Debtor.

Case No. 15-12386-j11

**ORDER GRANTING MOTION TO APPOINT TRUSTEE AND
DIRECTING THE UNITED STATES TRUSTEE TO APPOINT A TRUSTEE**

THIS MATTER is before the Court on the Motion to Appoint Chapter 11 Trustee, or in the Alternative to Require Debtor to Employ a Property Manager (Docket No. 24) (the “Motion”) filed by Thorofare Asset Based Lending Fund III, L.P. Santa Fe Railyard Community Corporation filed a Statement of No Objection to the Motion (Docket No. 52) and Recreational Equipment, Inc. filed a Joinder in the Motion (Docket No. 54). Debtor filed an Objection to the Motion (Docket No. 51). In accordance with the Memorandum Opinion entered herewith,

IT IS HEREBY ORDERED that the Motion is granted insofar as it requests appointment of a Chapter 11 trustee in this bankruptcy case. The United States Trustee shall promptly appoint a Chapter 11 trustee and seek approval of the appointment pursuant to Fed.R.Bankr.P. 2007.1(c). Such person shall serve as trustee in this case effective upon entry of an order approving the appointment.


ROBERT H. JACOBVITZ
United States Bankruptcy Judge

Date entered on docket: March 30, 2016

Copy to:

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